



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/842,352	04/26/2001	Moshe Shavit	782.1099	6968

21171 7590 01/11/2008  
STAAS & HALSEY LLP  
SUITE 700  
1201 NEW YORK AVENUE, N.W.  
WASHINGTON, DC 20005

EXAMINER
----------

HASHEM, LISA

ART UNIT	PAPER NUMBER
----------	--------------

2614

MAIL DATE	DELIVERY MODE
-----------	---------------

01/11/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

### Application No.

09/842,352

### Applicant(s)

SHAVIT ET AL.

### Examiner

Lisa Hashem

### Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 9-26-2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments, see Amendment, filed 9-26-07, with respect to the rejection(s) of claim(s) 1-24 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made.

### ***Claim Objections***

2. Claim 3 is objected to because of the following informalities: Claim 3 mentions 'the last delivery device' but there is no mention of this last delivery device in claim 1. Appropriate correction is required.

3. Claim 9 is objected to because of the following informalities: Claim 9 mentions 'the type of device used by the sender' but there is no mention of this type of device in claim 1. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claim 20 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter '...ensure initial delivery of the message to the recipient without requiring resending of a duplicate message...' which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Section 0034 in the instant application mentions '...If the recipient is not reachable or if any delivery attempt fails, the

Art Unit: 2614

system restarts the same delivery cycle after a predetermined timeout...'. The invention can not ensure that the message will be delivered if all of the delivery devices in the priority table are not available or the recipient is not available at any of the delivery devices. Appropriate action is required.

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1, 13, 16, and 19-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear what is meant by 'dynamic determination of availability of the recipient' recited in claims 1, 13, 16, 19, and 20-23, 'delivery devices to be dynamically changed' in claim 19, and 'dynamically adjusting the first order' in claim 24.

Section 0032 in the instant application mentions '...Strategy D selects a delivery mechanism based upon a prioritized list of delivery mechanisms, as in strategy C, except the priority is dynamically changed based upon an adaptive mechanism...'. It is not clear how to interpret the term 'dynamic' based on the claim language. It is not explained in the specification how to dynamically determine, dynamically change, or dynamically adjust a priority table or list.

Appropriate action is required.

8. Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter 'a delivery device' and 'a message' in claim 1, which applicant regards as the invention.

It is not clear if 'the selected delivery device' recited in line 10 of claim 1 and line 2 of claim 2 and 'the delivery device' in line 2 of claim 5 and line 1 of claim 11 refer to 'selecting a

Art Unit: 2614

delivery device' in line 6 of claim 1 or 'select another delivery device' in line 8 of claim 1. The delivery device in line 6 and the delivery device in line 8 are different devices. Appropriate action is required.

It is not clear if 'the message' recited in line 3 of claim 9 refer to 'a message' in line 2 of claim 1 or 'a current message' in line 2 of claim 9. The message in line 2 of claim 1 and the current message in line 2 of claim 8 are different messages. Appropriate action is required.

9. Claims 13-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter 'a delivery device' in claim 13, which applicant regards as the invention.

It is not clear if 'the selected delivery device' recited in line 10 of claim 13 and line 2 of claim 15 refer to 'selecting a delivery device' in line 6 of claim 13 or 'select another delivery device' in line 8 of claim 13. The delivery device in line 6 and the delivery device in line 8 are different devices. Appropriate action is required.

10. Claims 16-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter 'a delivery device' in claim 16, which applicant regards as the invention.

It is not clear if 'the selected delivery device' recited in line 11 of claim 16 and line 3 of claim 17 refer to 'selecting a delivery device' in line 7 of claim 16 or 'select another delivery device' in line 9 of claim 16. The delivery device in line 7 and the delivery device in line 9 are different devices. Appropriate action is required.

Art Unit: 2614

11. Claim 19 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter 'a delivery device' in claim 19, which applicant regards as the invention.

It is not clear if 'the selected delivery device' in line 12 of claim 19 and 'the selected device' in line 13 of claim 19 refer to 'selecting.....a delivery device' recited in line 7 of claim 19 or 'select another delivery device' line 10 of claim 19. The delivery device in line 7 and the delivery device in line 10 are different devices. Appropriate action is required.

12. Claim 24 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter 'a message' in claim 24, which applicant regards as the invention.

It is not clear if 'the message' recited in line 6 and line 7 of claim 24 refer to 'a message' in line 2 of claim 24 or 'a message' in line 4 of claim 24. The message in line 2 and the message in line 4 are different messages. Appropriate action is required.

***Claim Rejections - 35 USC § 102***

13. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

14. Claims 1-24 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Pat. No. 6,760,412 by Loucks.

Regarding claim 1, Loucks discloses a method for selecting a delivery mechanism for

Art Unit: 2614

a message (i.e. event message; reminder message; Fig. 3A, 3B), comprising:

creating, by a sender (i.e. user) of the message,

a priority table (Fig. 3A, 3B; Fig. 7: 144, 146; 150; i.e. a user creating priority order list of

delivery destinations utilizing a GUI) of delivery devices (i.e. computer, pager, telephone,

facsimile; Fig. 7, 140) based on reachability of the message to a recipient (i.e. user) (i.e.

detecting if a telephone, modem, or facsimile answers a call; if there is a failure then attempting

connection with another device with next priority (i.e. 2) listed in the table) of the message using

each of the delivery devices prior to sending the message (Fig. 4; col. 8, line 31 – col. 9, line 42;

col. 10, lines 43-62);

selecting a delivery device from the priority table having a highest priority for sending the

message (i.e. wireless telephone);

and continuing, to sequentially select another delivery device (i.e. home telephone) by adjusting

the priority table responsive to a dynamic determination of availability of the recipient (i.e.

recipient answers call) prior to sending the message (i.e. when user answers the call and/or enters

a valid password, the message is delivered to the telephone) and sending the message to the

selected delivery device, until the recipient receives the message (i.e. reminder operation is

successful) (Fig. 4; col. 14, line 16 – col. 15, line 28).

Regarding claim 2, the method of claim 1, wherein Loucks discloses determining a reachability of a recipient before sending the message to the selected delivery device (i.e. when the recipient answers the call and/or enters a valid password, the message is delivered to the telephone) (Fig. 4; col. 8, line 31 – col. 9, line 42; col. 10, lines 43-62; col. 14, line 16 – col. 15, line 28).

Art Unit: 2614

Regarding claim 3, the method of claim 1 mentioned above, wherein Loucks discloses if the message has not been delivered to the recipient after the last delivery device has been selected, selection of delivery devices begins again (i.e. another attempt), starting with the highest priority delivery device in the priority table (i.e. wireless telephone in priority order weekend list), after a predetermined time (i.e. 10 minutes) has expired (col. 11, lines 42-52).

Regarding claim 4, the method of claim 1, wherein Loucks discloses the priority table is configured (i.e. configuration is performed by the user) in a way that all messages are sent to the recipient using a particular delivery device (i.e. computer, telephone, pager, facsimile) (col. 11, lines 38-67; col. 12, lines 16-37).

Regarding claim 5, the method of claim 4, wherein Loucks discloses the priority table comprises a name/ID of the recipient, the delivery device, and a delivery address for the delivery device (Fig. 7; Fig.: 3A, 3B; col. 7, line 21 – col. 8, line 20; col. 11, line 38 – col. 12, line 37; col. 15, lines 36-49).

Regarding claim 6, the method of claim 1, wherein Loucks discloses the priority table is configured in a way that a delivery device is selected according to time of day and day of week (Fig. 7; Fig.: 3A, 3B; col. 7, line 21 – col. 8, line 20; col. 12, lines 16-37).

Regarding claim 7, the method of claim 6, wherein Loucks discloses the priority table comprises a name/ID of the recipient, a list of delivery times and dates, delivery devices corresponding to the delivery times and dates, and delivery addresses corresponding to the delivery devices (Fig. 3A, 3B; Fig. 7; col. 7, line 21 – col. 8, line 20; col. 11, line 38 – col. 12, line 37; col. 15, lines 36-49).



Art Unit: 2614

Regarding claim 8, the method of claim 1, wherein Loucks discloses the priority table is configured in a way that a first delivery device selected to send a current message is the same device used to deliver a previous message to the recipient, and the previous message was delivered within a predetermined amount of time (i.e. 10 minutes) before the current message is sent (col. 11, lines 42-52).

Regarding claim 9, the method of claim 1, wherein Loucks discloses the priority table is configured (i.e. the table is configured by the user) in a way that a first delivery device (i.e. computer) selected to send a current message is a same type of device as the type of device (i.e. computer) used by the sender to create the message (col. 4, line 62 – col. 5, line 7; Fig. 7, 144; col. 12, lines 16-32).

Regarding claim 10, the method of claim 1, wherein Loucks discloses the sender sends a message to one or more recipients and creates a priority table for each recipient (col. 11, line 38 – col. 12, line 37).

Regarding claim 11, the method of claim 1, wherein Loucks discloses the delivery device comprises one of a 3G wireless device, a mobile phone, a fixed telephone, a personal computer, a facsimile device, a pager, and a personal digital assistant (Fig. 7, 140; col. 11, lines 52-59; col. 12, lines 24-37).

Regarding claim 12, the method of claim 1, wherein Loucks discloses a format of the message comprises one of a voice message, a text message, an electronic mail message, an instant message, a short message service message, and a video message (col. 7, line 21—col. 8, line 20; col. 10, lines 21-41).

Regarding claim 13, Loucks discloses a system for selecting a delivery mechanism of a message (i.e. event message; reminder message; Fig. 3A, 3B), comprising:

a preferences and profile database (Fig. 1, 36; Fig. 6, 36; col. 4, line 62 – col. 5, line 7; col. 10, line 63 – col. 11, line 10) containing a priority table (Fig. 3A, 3B; Fig. 7: 144, 146; 150; i.e. a user creating priority order list of delivery destinations utilizing a GUI), created by a sender (i.e. user) of the message, of delivery devices (i.e. computer, pager, telephone, facsimile; Fig. 7, 14) of a recipient (i.e. user) of the message prior to sending the message, the priority table being created based on reachability of the message to the recipient (i.e. detecting if a telephone, modem, or facsimile answers a call; if there is a failure then attempting connection with another device with next priority (i.e. 2) listed in the table) (Fig. 4; col. 8, line 31 – col. 9, line 42; col. 10, lines 43-62); and

a priority delivery selection logic unit (i.e. processor; Fig. 1, 34; Fig. 6, 34) selecting a delivery device (i.e. wireless telephone) from the priority table having a highest priority for sending the message, and continuing, to sequentially select another delivery device (i.e. home telephone) by adjusting the priority table responsive to a dynamic determination of availability of the recipient (i.e. recipient answers call) prior to sending the message (i.e. when user answers the call and/or enters a valid password, the message is delivered to the telephone) and sending the message to the selected delivery device, until the recipient receives the message (i.e. reminder operation is successful) (Fig. 4; col. 14, line 16 – col. 15, line 28).

Regarding claim 14, the system of claim 13, wherein Loucks further discloses the priority delivery selection logic unit and the preferences and profiles database are located within a store

Art Unit: 2614

and forward portion of a multimedia messaging system (Fig. 1, 20; Fig. 6, 20) (col. 4, line 62 – col. 5, line 7; col. 10, line 63 – col. 12, line 37).

Regarding claim 15, the system of claim 13, wherein Loucks discloses determining a reachability of the recipient before sending the message to the selected delivery device (i.e. when user answers the call and/or enters a valid password, the message is delivered to the telephone) (Fig. 4; col. 8, line 31 – col. 9, line 42; col. 10, lines 43-62; col. 14, line 16 – col. 15, line 28).

Regarding claim 16, Loucks discloses a computer-readable storage having a program stored therein for controlling (Fig. 1, 34, 36; Fig. 6, 34, 36) a computer (i.e. apparatus; Fig. 1, 20; Fig. 6, 20) to select a delivery mechanism for a message (i.e. event message; reminder message; Fig. 3A, 3B), comprising:

creating, by a sender (i.e. user) of the message,

a priority table (Fig. 3A, 3B; Fig. 7: 144, 146; 150; i.e. a user creating priority order list of delivery destinations utilizing a GUI) of delivery devices (i.e. computer, pager, telephone, facsimile; Fig. 7, 140) based on reachability of the message to a recipient (i.e. user) (i.e.

detecting if a telephone, modem, or facsimile answers a call; if there is a failure then attempting connection with another device with next priority (i.e. 2) listed in the table) of the message using each of the delivery devices prior to sending the message (Fig. 4; col. 8, line 31 – col. 9, line 42; col. 10, lines 43-62);

selecting a delivery device from the priority table having a highest priority for sending the message (i.e. wireless telephone);

and continuing, to sequentially select another delivery device (i.e. home telephone) by adjusting the priority table responsive to a dynamic determination of availability of the recipient (i.e.

Art Unit: 2614

recipient answers call) prior to sending the message (i.e. when user answers the call and/or enters a valid password, the message is delivered to the telephone) and sending the message to the selected delivery device, until the recipient receives the message (i.e. reminder operation is successful) (Fig. 4; col. 14, line 16 – col. 15, line 28).

Regarding claim 17, the computer-readable storage having the program of claim 16, wherein Loucks discloses determining a reachability of the recipient before sending the message to the selected delivery device (i.e. when user answers the call and/or enters a valid password, the message is delivered to the telephone) (Fig. 4; col. 8, line 31 – col. 9, line 42; col. 10, lines 43-62; col. 14, line 16 – col. 15, line 28).

Regarding claim 18, the computer-readable storage having the program of claim 16, wherein Loucks discloses if the message has not been delivered to the recipient after a last delivery device has been selected, selection of delivery devices begins again (i.e. another attempt), starting with the highest priority delivery device in the priority table (i.e. wireless telephone in priority order weekend list), after a predetermined time (i.e. 10 minutes) has expired (col. 11, lines 42-52).

Regarding claim 19, Loucks discloses a method of selecting a delivery device for a message (i.e. event message; reminder message; Fig. 3A, 3B), comprising:  
receiving priority tables of delivery devices, respectively, for each of a plurality of message recipients (i.e. multiple users utilizing the schedule program), the priority tables being customized for each message recipient (i.e. user) (col. 15, lines 36-49);

Art Unit: 2614

allowing the priority tables of the delivery devices to be dynamically changed for each message recipient (i.e. a user logging into scheduling program and updating reminder preferences) (col.

11, line 38 – col. 12, line 37; col. 15, lines 36-49);

selecting, for each message to be transmitted, a delivery device (i.e. a wireless telephone) having a highest priority from a corresponding priority table and determining whether the recipient of the message to be transmitted is available on the selected device prior to sending the message

(i.e. detecting if a telephone, modem, or facsimile answers a call; if there is a failure then

attempting connection with another device with next priority (i.e. 2) listed in the table) (Fig. 4;

col. 8, line 31 – col. 9, line 42; col. 10, lines 43-62); and

continuing, to sequentially select another delivery device (i.e. home telephone) by adjusting the corresponding priority table responsive to a dynamic determination of availability of the

recipient (i.e. recipient answers the call) and sending the message to be transmitted to the

selected delivery device, until the message recipient is available on the selected device (i.e. when

user answers the call and/or enters a valid password, the message is delivered to the telephone)

(Fig. 4; col. 8, line 31 – col. 9, line 42; col. 10, lines 43-62; col. 14, line 16 – col. 15, line 28).

Regarding claim 20, Loucks discloses a method for delivering a message (i.e. event message; reminder message; Fig. 3A, 3B), comprising:

creating a priority table (Fig. 3A, 3B; Fig. 7: 144, 146; 150; i.e. a user creating priority order list

of delivery destinations utilizing a GUI) of delivery devices (i.e. computer, pager, telephone,

facsimile; Fig. 7, 140) of a recipient (i.e. user) of the message prior to sending the message (Fig.

4; col. 8, line 31 – col. 9, line 42; col. 10, lines 43-62); and

Art Unit: 2614

adaptively cycling through the delivery devices listed in the priority table responsive to a dynamic determination of availability of the recipient (i.e. detecting if a telephone, modem, or facsimile answers a call; if there is a failure then attempting connection with another device with next priority (i.e. 2) listed in the table) to ensure initial delivery of the message to the recipient without requiring resending of a duplicate message (i.e. when user answers the call and/or enters a valid password, the message is delivered to the telephone) in accordance with adjusted priorities of the priority table based on said dynamic determination (Fig. 4; col. 8, line 31 – col. 9, line 42; col. 10, lines 43-62; col. 14, line 16 – col. 15, line 28).

Regarding claim 21, Loucks discloses a method for delivering a message (i.e. event message; reminder message; Fig. 3A, 3B), comprising: creating a priority table (Fig. 3A, 3B; Fig. 7: 144, 146; 150; i.e. a user creating priority order list of delivery destinations utilizing a GUI) of delivery devices (i.e. computer, pager, telephone, facsimile; Fig. 7, 140) of a recipient (i.e. user) of the message prior to sending the message (Fig. 4; col. 8, line 31 – col. 9, line 42; col. 10, lines 43-62); cycling through verification of the delivery devices one at a time responsive to priorities of the priority table adjusted in accordance with a dynamic determination of availability of the recipient (i.e. detecting if a telephone, modem, or facsimile answers a call; if there is a failure then attempting connection with another device with next priority (i.e. 2) listed in the table) (Fig. 4; col. 8, line 31 – col. 9, line 42; col. 10, lines 43-62; col. 14, line 16 – col. 15, line 28); and changing the priorities of the priority table responsive to prior deliveries between cycles in accordance with the dynamic determination (i.e. the user can change the priority for the delivery devices) (col. 11, lines 59-67).

Regarding claim 22, Loucks discloses a message delivery method, comprising: allowing a sender (i.e. user) of a message to prioritize multiple delivery destinations (i.e. computer, pager, telephone, facsimile; Fig. 7, 140) associated with a recipient (i.e. user) prior to sending the message (Fig. 4; col. 8, line 31 – col. 9, line 42; col. 10, lines 43-62); and sending the message to at least one of the multiple delivery destinations in accordance with the prioritization by the sender, where the prioritization is adaptively changed based on message delivery conditions including a message delivery success corresponding to the multiple delivery destinations based on a dynamic determination of availability of the recipient (i.e. detecting if a telephone, modem, or facsimile answers a call; if there is a failure then attempting connection with another device with next priority (i.e. 2) listed in the table) prior to sending the message (i.e. when user answers the call and/or enters a valid password, the message is delivered to the telephone) (Fig. 4; col. 8, line 31 – col. 9, line 42; col. 10, lines 43-62; col. 14, line 16 – col. 15, line 28).

Regarding claim 23, Loucks discloses a method of delivering a message (i.e. event message; reminder message; Fig. 3A, 3B), comprising:

prioritizing delivery mechanisms including delivery destinations (i.e. computer, pager, telephone, facsimile; Fig. 7, 140) prior to delivering the message to a recipient (i.e. user) in accordance with an input by a sender (i.e. user) of the message (Fig. 4; col. 8, line 31 – col. 9, line 42; col. 10, lines 43-62); and

allowing the sender to select at least one delivery mechanism including a corresponding delivery destination (i.e. wireless telephone) for initial delivery of the message, sequentially selecting from the prioritized delivery mechanisms adjusted based on a dynamic determination of availability of the recipient via the prioritized delivery mechanisms (i.e. detecting if a telephone,

Art Unit: 2614

modem, or facsimile answers a call; if there is a failure then attempting connection with another device with next priority (i.e. 2) listed in the table) and sending the message (i.e. when user answers the call and/or enters a valid password, the message is delivered to the telephone) (Fig. 4; col. 8, line 31 – col. 9, line 42; col. 10, lines 43-62; col. 14, line 16 – col. 15, line 28).

Regarding claim 24, Loucks discloses a method for selecting a delivery mechanism for a message, comprising:

creating a list (Fig. 7: 144, 146; 150; i.e. a user creating priority order lists of delivery destinations utilizing a GUI) of delivery destinations (i.e. computer, pager, telephone, facsimile; Fig. 7, 140) having a first order (i.e. priority order normal with priorities 1-4) of devices (i.e. computer, wireless telephone, work telephone, email, pager) of a recipient (i.e. user) based on an input by a sender (i.e. user) for sending a message (i.e. event message; reminder message; Fig. 3A, 3B: 50) (col. 7, lines 21-64; col. 11, lines 38-66); and

dynamically adjusting (i.e. creating a second priority list by the user by Fig. 7, 150) the first order to create a second order (i.e. priority order weekend) of the devices (i.e. wireless telephone, home telephone, email, pager) prior to sending the message based on a current determination of availability of the recipient (i.e. user makes determination based on location of recipient according to time and day; i.e. on weekends recipient is not at work) and sending the message based on the second order (col. 11, lines 59-67; col. 12, lines 16-37).

### ***Conclusion***

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892 Form.

16. Any response to this action should be mailed to:



Art Unit: 2614

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Or faxed to:**

(571) 273-8300 (for formal communications intended for entry)

**Or call:**

(571) 272-2600 (for customer service assistance)

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa Hashem whose telephone number is (571) 272-7542. The examiner can normally be reached on M-F 8:30-5:30.

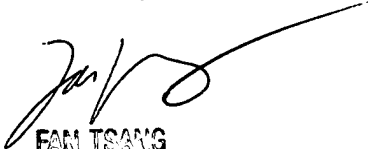
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

18. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LH

lh

December 28, 2007

  
FAN TSANG  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600